

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

UNILEVER SUPPLY CHAIN, INC.
1 John Street
Clinton, Connecticut 06413,

Plaintiff,

v.

JOSHUA W. STEENMEYER d/b/a
PopsicleShirts.com, Inc.
6001 Shining Light Avenue
Las Vegas, NV 89139,

Defendant.

CASE NO. 1:07-cv-03705 (NRB)

JURY TRIAL DEMANDED

**DECLARATION OF J. KEVIN FEE IN SUPPORT OF
PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING ORDER**

I, J. Kevin Fee, declare under penalty of perjury as follows:

1. I am a partner at Morgan, Lewis & Bockius LLP and am counsel for Unilever Supply Chain, Inc. in the above-captioned case.
2. I make this declaration in support of Unilever Supply Chain, Inc.'s Motion for a Temporary Restraining Order enjoining Defendant from, among other things, using the domain names popsicleshirts.com and popsicletees.com for pornographic websites and/or redirecting these domain names to the fuckoffshirts.com domain name.
3. Unilever also owns registrations for the POPSICLE mark, which are registered under the Trademark Act of 1946 on the Principal Register of the United States Patent and Trademark Office for the products indicated below. True and correct copies of the registration certificates are attached as Exhibit A.
 - (a) POPSICLE, Registration Number 219,744 registered October 26, 1926 for "nonalcoholic, maltless sirups used in the preparation of frozen confections";

- (b) POPSICLE THE ORIGINAL BRAND and Design, Registration Number 1,840,718 registered June 21, 1994 for “frozen confections”;
- (c) POPSICLE, Registration Number 2,421,400 registered January 16, 2001 for “frozen confections”;
- (d) THE ORIGINAL BRAND POPSICLE and Design, Registration Number 2,651,685 registered November 19, 2002 for “ice cream”;
- (e) POPSICLE, Registration Number 2,668,524 registered December 31, 2002 for “ice cream”;
- (f) THE ORIGINAL BRAND POPSICLE and Design, Registration Number 2,811,550, registered February 3, 2004 for “lip gloss”;
- (g) POPSICLE, Registration Number 2,968,587 registered July 12, 2005 for “bracelets”;
- (h) POPSICLE, Registration Number 2,973,936 registered July 19, 2005 for “toothbrushes”; and
- (i) POPSICLE, Registration Number 3,009,533 registered October 25, 2005 for “footwear”.

4. A true and correct transcription of a voice mail message left by Defendant Joshua Steenmeyer on May 30, 2007 is attached hereto as Exhibit B.

5. A true and correct printout of the home page of the website located at www.popsicleshirts.com as it appeared on November 29, 2006 is attached hereto as Exhibit C. The website continued to contain the “Popsicle Shirts Logo” until after Unilever filed the Complaint in the current action. (The disclaimer that appears regarding affiliation with Unilever’s POPSICLE brand was added only after Unilever sent a demand letter to the Defendant regarding his use of the POPSICLE mark.)

6. True and correct printouts of various pages of the website located at www.popsicleshirts.com as they appeared on May 31, 2007 are attached hereto as Exhibit D.

7. A true and correct printout of the home page of the website located at www.fuckoffshirts.com as it appeared on May 31, 2007 is attached hereto as Exhibit E.

I declare under penalty of perjury that to the best of my knowledge, the foregoing information and attached documents are true and correct.


J. Kevin Fee